



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

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Media Contacts:

press@oag.state.md.us

410-576-7009

Attorney General Brown Joins Coalition to Protect Patient Access to Preventive Healthcare Services

Attorneys General File Brief in Defense of Lifesaving Provision of the Affordable Care Act

BALTIMORE, MD (June 29, 2023) – Maryland Attorney General Anthony G. Brown has joined a coalition of 24 Attorneys General in filing an [amicus brief](#) to protect a key provision of the Patient Protection and Affordable Care Act (ACA) that guarantees access to critical preventive care for millions of Americans.

Congress enacted the ACA's preventive services provision due to the difficulty experienced by many Americans to afford preventive care, which was often not covered by insurance. The preventive services provision eliminated this financial barrier by requiring most private insurance plans to cover certain preventive services and treatments, such as cancer screenings and vaccinations, without charging out-of-pocket costs, including copayments or deductibles.

"No one should go without access to potentially lifesaving preventive care, no matter who they are, where they live, or how much money they make," said Attorney General Brown. "We're not talking about a luxury; this is a basic human right. Protecting these provisions is crucial to addressing health disparities and empowering all Marylanders to live healthy lives. And that's a cause worth fighting for every step of the way."

The provision faces a legal challenge in *Braidwood v. Becerra*, filed by several individuals and employers who want to purchase or offer health insurance that does not cover certain preventive services, most notably contraceptive care and prophylactic HIV care. They argue that these requirements should be eliminated for various reasons, including that they violate individuals' rights under the Religious Freedom Restoration Act (RFRA) and that the process for determining which services are covered violates the U.S. Constitution's Appointments Clause.

The U.S. District Court for the Northern District of Texas partially sided with the plaintiffs and restrained the federal government from enforcing coverage requirements for many services – ranging from medicine to prevent cardiovascular disease to gestational diabetes screenings for pregnant persons.

In its brief in support of the federal government, filed in the 5th Circuit, the coalition argues that eliminating all or part of the preventive services provision would endanger the lives of those whose illnesses can be prevented, exacerbate inequities in access to critical care, and severely burden state public health systems.

The brief notes that many Americans have come to rely on the no-cost healthcare access provided by the provision. Within four years of the ACA's passage, approximately 76 million Americans gained expanded coverage to one or more preventive services. As of 2020, an estimated 151.6 million people were enrolled in private insurance plans that cover preventive services at no cost to patients.

Preventive services improve public health outcomes by enabling medical professionals to identify and treat illnesses earlier, and, in some cases, prevent them entirely. The brief describes several ways that the ACA's provision has improved public health, including increasing rates of screenings for colorectal cancer, the second leading cause of cancer fatalities in America. Colorectal cancer is considered largely preventable with screening, and the increase in screenings after the passage of the ACA led to an associated decrease in colorectal cancer and colorectal cancer deaths. It has also reduced socioeconomic, racial, and ethnic disparities in healthcare by expanding access to a variety of preventive services.

In addition to saving lives, the provision has expanded healthcare access, including access to contraceptives.

Marylanders who get their health insurance coverage under an insurance policy, issued by a health insurance company in Maryland, are not impacted by the ruling because Maryland has its own laws requiring no-cost coverage of preventive services.^[i] Our office joined this brief to protect those Marylanders in plans not regulated by the Maryland Insurance Administration and countless others.

Joining Attorney General Brown in filing the brief are the Attorneys General of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.

<https://www.marylandattorneygeneral.gov/press/2023/062923a.pdf>

^[i] See <https://insurance.maryland.gov/Pages/newscenter/NewsDetails.aspx?NR=2023321>.